

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WASHINGTON NATIONAL INSURANCE
COMPANY and BANKERS CONSECO LIFE
INSURANCE COMPANY,

Plaintiffs,

v.

MOSHE M FEUER, et al.,

Cross-Claim and Third-Party
Defendants.

16-cv-07646 (ER)

**JOINT STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH
PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(2)**

WHEREAS, on September 29, 2016, Washington National Insurance Company and Bankers Conseco Life Insurance Company (together, "CNO") filed a complaint in the above-captioned action against, *inter alia*, David Levy (ECF No. 1) (together with CNO, the "Settling Parties");

WHEREAS, on March 15, 2018, the Court issued an opinion and order (ECF No. 84) compelling arbitration and staying the action pending the outcome of that arbitration;

IT IS HERBY JOINTLY STIPULATED AND AGREED by and between the

Settling Parties, by their respective attorneys, as follows:

1. CNO hereby dismisses its complaint as against defendant David Levy with prejudice; and
2. Each Settling Party is to bear its own attorneys' fees, costs, and expenses.

Dated: November 15, 2019
New York, New York

Respectfully submitted,

ALSTON & BIRD LLP



Adam J. Kaiser
John M. Aerni
Daniella P. Main
90 Park Avenue
New York, New York 10016
Tel: (212) 210-9400
Fax: (212) 210-9444

*Attorneys for Plaintiffs Washington
National Insurance Company and
Bankers Conseco Life Insurance
Company*

WILSON SONSINI GOODRICH &
ROSATI, P.C.



Michael S. Sommer
1301 Avenue of the Americas, 40th Fl.
New York, NY 10019
Tel: (212) 497-7728

Attorneys for Defendant David Levy

SO ORDERED:

United States District Judge